

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

STEPHEN THOMAS YELVERTON,	)	
Plaintiff,	)	
	)	
v.	)	No. 5:15-CV-134-BO
	)	
PHYLLIS Y. EDMUNDSON and YELVERTON	)	
FARMS, LTD.,	)	
Defendants.	)	

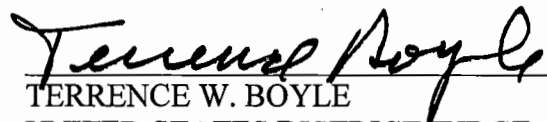
STEPHEN THOMAS YELVERTON,	)	
Plaintiff,	)	
	)	
v.	)	No. 5:16-CV-31-BO
	)	
YELVERTON FARMS, LTD.,	)	
Defendant.	)	

These matters are before the Court following a notice of suggestion of death of plaintiff Stephen Yelverton filed by defendants Phyllis Edmundson and Yelverton Farms pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure. Subsequent to the death of a party being suggested on the record, if the claim is not extinguished, a motion for substitution of the proper party must be made within ninety days of service of the notification of death. Fed. R. Civ. P. 25(a)(1).

The suggestion of death demonstrates service on the personal representative or successor to plaintiff on July 25, 2017. *See Fariss v. Lynchburg Foundry*, 769 F.2d 958, 962 (4th Cir. 1985) (ninety-day period begins on service of the personal representative). No motion to substitute has been filed, and the time for doing so has expired. These actions are therefore

DISMISSED with prejudice. *See Taylor v. Norfolk S. Ry. Co.*, 86 F. Supp. 3d 448, 461 (M.D.N.C. 2015). The clerk is directed to enter this order and judgment in both cases and to close the files.

SO ORDERED, this 3 day of November, 2017.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE